

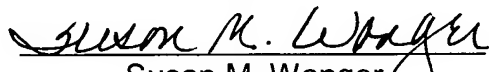


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shane Sterling
Serial No.: 10/608,696
Filing Date: June 23, 2003
Title: Anatomically Designed Orthopedic Knee Brace
Attorney Docket No.: OSSR-1-0102 (Formerly 2306-001-06)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, this 23th day of February, 2006.


Susan M. Wanger

TRANSMITTAL FOR TERMINAL DISCLAIMER

TO THE COMMISSIONER FOR PATENTS:


Applicant submits:

1. Terminal Disclaimer To Obviate A Double Patenting Rejection Over A "Prior" Patent (PTO/SB/26).
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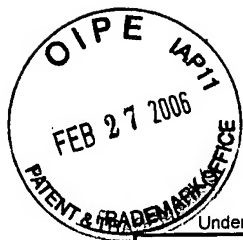
Date: February 23, 2006

Respectfully submitted,

BLACK LOWE & GRAHAM PLLC



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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
OSSR-1-0102

In re Application of: Shane Sterling

Application No.: 10/608,696

Filed: June 26, 2003

For: Anatomically Designed Orthopedic Knee Brace

The owner*, GENERATION II USA, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,969,364 (11/29/05) as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

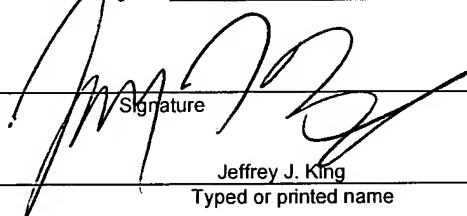
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 38,515



Signature

Jeffrey J. King
Typed or printed name

February 23, 2006
Date

(206) 381-3300
Telephone Number

- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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